

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ELVIN GENAO,

Plaintiff,

-against-

32ND PRECINCT,

Defendant.

19-CV-3468 (CM)

ORDER DENYING APPLICATION FOR  
THE COURT TO REQUEST PRO BONO  
COUNSEL

COLLEEN McMAHON, United States District Judge:

Plaintiff Elvin Genao filed this action *pro se*. By order dated April 22, 2019, the Court directed Plaintiff, within thirty days, to pay the \$400.00 filing fees<sup>1</sup> or to submit a completed and signed application to proceed *in forma pauperis* (IFP), that is, without prepayment of fees. (ECF No. 2.) On May 24, 2019, the Court dismissed the complaint without prejudice pursuant to 28 U.S.C. §§ 1914, 1915 for Plaintiff's failure to comply with the Court's April 22, 2019 order. More than two years later, on June 30, 2021, "Genao Antonio"<sup>2</sup> filed an "Application for the Court to Request Pro Bono Counsel." (ECF No. 5.)

Because the Court dismissed Plaintiff's complaint, the request for counsel is denied as moot.

**CONCLUSION**

Accordingly, the request for counsel (ECF No. 5) is denied as moot.

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<sup>1</sup> On December 1, 2020, the filing fees required to file a federal civil action increased to \$402.00 – a \$350.00 filing fee plus a \$52.00 administrative fee. Because Plaintiff's action was filed prior to December 1, 2020, the increased filing fees do not apply to this action.

<sup>2</sup> The address listed for Genao Antonio on the motion is the same address listed on the envelope Elvin Genao used to mail the complaint to the Court.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppededge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: October 5, 2021  
New York, New York



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COLLEEN McMAHON  
Chief United States District Judge